

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner seeks quashing of FIR No. 17/2003, Police Station, Gadra Road, district Barmer for the offences under Sections 394 IPC and Section 3 (2) (v) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act" hereinafter).

A plain reading of the FIR, in my view, discloses commission of cognizable offences. There are serious allegations against the accused, namely Ridmal Singh and three others that they hired complainant's Tata Sumo vehicle for a sum of 750/- from Gadra Road. After driving for some distance, the vehicle was got stopped by obstructing the way by another Bolero vehicle and the complainant was assaulted and the said Tata Sumo vehicle was robbed. In the FIR, except the name of accused Ridmal Singh, the other three persons have not been named. The matter is yet to be investigated by the police as to who were those three persons.

The petitioner, by the instant criminal miscellaneous petition, came with the case that he is an employee of Ashoka Leyland Finance Company and the vehicle in question, bearing Registration No. RJ.15-T-143 Tata Sumo is said to have been financed by Ashoka Leyland Finance Company to Damodar Singh, who, in turn, sold the said vehicle to Jaanu Khan and the complainant, at the relevant time, was driving the said Tata Sumo vehicle.

It is settled law that quashing of FIR is only permissible when on a reading of the FIR, no cognizable offence is disclosed or it is found absurd or against the provisions of law. In the instant case, there is nothing on record to suggest that the petitioner, who claims to be one of the persons amongst the

accused, had an authorization to take the possession of the vehicle forcibly against the provisions of law. If the financier had any grievance against the person, to whom he had financed the vehicle, it could proceed in accordance with law and not by taking the law in hand by illegal means like robbing the vehicle. At any rate, at the relevant time, as per the FIR, the vehicle Tata Sumo was in the possession of the complainant and from whom it has been robbed by four persons, one of whom is accused Ridmal Singh. In such circumstances, it is expedient to allow the matter to be investigated by the police so that the truth may come. Thus, no case for quashing the FIR is made out.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

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